

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/00795/2017 &
M.A. NO. 060/01065/2017**

Chandigarh, this the 8th day of February, 2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Sundeep Singh aged 30 years son of Sh. Jasbir Singh, VPO Nanuana, Tehsil Rania, District Sirsa, (Group-A).

....APPLICANT

(Argued by: Shri Madhav Pokhrel , Advocate)

VERSUS

1. Union Territory, Chandigarh through its Secretary, Department of Education, U.T. Secretariat, Sector 9, Chandigarh.
2. Director Public Instruction (s) Chandigarh Administration, Additional Deluxe Building, First Floor, Sector 9, Chandigarh.

....RESPONDENTS

(By Advocate: Shri A.L. Nanda)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

The applicant has filed this Original Application (O.A.), seeking the following reliefs:-

“ (i) That the respondent-department my kindly be directed to select and appoint the applicant to the post of Nursery Teacher in pursuance to the advertisement dated November 2014 (Annexure A-5) as out of the 55 posts advertised for the General Category, only 22 candidates have been selected/appointed and 33 posts are still lying vacant, and as per the selection list dated 14.8.2015 (Annexure -10) the candidates with lesser marks than the applicant have already been selected and appointed in General Category.”

2. Alongwith the O.A., the applicant has also filed M.A. NO. 060/01065/2017, seeking condonation of delay of 338 days in filing the O.A.

3. This Tribunal, on first instance, issued notice in application for condonation of delay, to which the respondents have filed reply.

4. We have heard the learned counsel for the applicant as well as learned counsel for the respondents on the M.A. for condonation of delay.

5. Sh. Madhav Pokhrel, learned counsel appearing on behalf of applicant vehemently argued that there is no delay in filing the O.A. as the respondents have replied to his RTI application dated 2.1.2017 only on 17.1.2017, and therefore, after having information the applicant immediately filed this O.A. He further argued that even the legal notice dated 21.3.2017 is still pending unanswered, therefore, he prayed that there is no delay in filing the O.A.

6. On the other hand, Sh. A.L. Nanda, learned counsel for respondents vehemently opposed the prayer and submitted that the present O.A. be dismissed being hopelessly time barred as the applicant is impugning the result of the selection, which was declared on 14.8.2015. He submitted that if the applicant was aggrieved with the same then he has to approach the Court of law immediately without loss of time. By not approaching the Court in time the applicant loses his right to challenge the selection.

7. We have given our thoughtful consideration to the entire matter and find substance in the argument raised at the

hands of learned counsel for respondents. The result of the selection was declared way back on 14.8.2015. If the applicant was aggrieved against the select list, then on that date he acquired a cause of action to approach the Court of law. Merely, by filing an application under RTI that too in the year 2017 will not extend the period of limitation. Section 21 of the Administrative Tribunals Act, 1985 laid down limitation for approaching this Tribunal i.e. one year from the date of cause of action and six months from the date of submission of representation or statutory appeal. Section 21 of the Administrative Tribunals Act, 1985 came up for consideration before Hon'ble Supreme Court wherein the Lordships in the case of **Union of India vs. M.K. Sarkar** (2010) 2 SCC 66 have held that limitation has to be applied rigorously and successive representations will not extend the cause of action. Though sub-section 3 of Section 21 gives window to an aggrieved person to approach this forum even after delay, but he has to give proper reason in support of his plea, so that Court can condone the delay. Since, this O.A. has been filed after the delay of more than 2 years i.e. without cogent reason for condoning the delay, we find no reason to allow the huge delay in filing the instant O.A. Accordingly, the M.A. is dismissed being devoid of merits.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 08.02.2018

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